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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,078	04/20/2001	Ping Sheng Zhang	29876/37280	2715

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EXAMINER

HORTON, YVONNE MICHELE

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/839,078

Applicant(s)

PING SHENG ZHANG

Examiner

Yvonne M. Horton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2004 and 05 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 2, 4, and 5 stand rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #5,822,944 to Penland. Regarding claim 1, Penland discloses in figures 1 and 2 and column 3, lines 1-65, mat units 10 comprised of a first layer 12 of parallel wooden boards 16 of substantially uniform length. Each board 16 is positioned parallel to an adjacent board to form a flat first layer 12. Mat units 10 are further comprised of a second layer 14, also formed from a plurality of spaced parallel boards 26 of uniform length and being aligned with one another to form a series of parallel boards connected substantially perpendicular to the boards of the first layer 12. Column 4, lines 34-46, discloses second layer 14 having locking tabs 32 and corresponding side locking slots 34, such that the mats 10 may be locked together. Lumber cut from trees, such as the boards 16, 26, is cut along the grain of the tree. The mats 10 constitute the claimed strips, and the boards 16 constitute the claimed plurality of elongate members having a grain extending generally in a longitudinal direction of the mat 10, and the boards 16 together form the first layer. The boards 26 constitute a second plurality of spaced members whose grain extends generally transversely to the longitudinal direction of the mat 10. The boards 26 together constitute the second layer and the boards 26 are secured to one face of the first layer defined boards 16. Regarding claim 2, Penland discloses in column 2, lines 43-44, using wooden boards. Regarding claims 4 and 5,

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the locking tabs 32 and locking slots 34, together, constitute a tongue and groove relationship.

***Claim Rejections - 35 USC # 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 3 and 6 stand rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #5,822,944 to Penland in view of US Patent #3,509,234 to Burlant. Penland's disclosure is discussed above. However, Penland does not disclose disposing acrylic urethane or aluminum oxide on wood flooring strips. Burlant discloses in column 1, lines 31-40, and column 2, lines 1 1-34, providing wood with a urethane resin and vinyl monomer coating to form a decorative or abrasion resistant coating. The vinyl monomer includes an acrylic monomer. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to dispose a wood coating made of acrylic urethane on the wood boards 16, 26 of Penland. One of ordinary skill would be motivated to make such a modification to increase the abrasion resistance of all the wood board 16, 26 faces.

Claim 7 stands rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #5,822,944 to Penland in view of US Patent #6,291,078 to Chen. Penland's disclosure is discussed above. However, Penland does not disclose disposing aluminum oxide on wood flooring strips. Chen discloses disposing aluminum oxide on floor surfaces. Therefore, it would have been obvious to one of ordinary skill in the art

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at the time the invention was made to dispose aluminum oxide on the wood boards 16, 26 of Penland to increase the abrasion resistance of the flooring.

Claims 8-12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #5,822,944 to Penland in view of US Patent #3,509,234 to Burlant and further in view of US Patent #5,671,575 to Wu. Penland's disclosure is discussed above. However, Penland does not disclose disposing acrylic urethane on wood flooring strips or using bamboo-flooring strips in lieu of wood. Burlant discloses in column 1, lines 31-40 and column 2, lines 11-34, providing wood with a urethane resin and vinyl monomer coating to form a decorative or abrasion resistant coating. The vinyl monomer includes an acrylic monomer. Wu discloses, in column 1, lines 14-15, a wooden or bamboo floor. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the wood boards 16, 26 of Penland from bamboo and to dispose a wood coating made of acrylic urethane on the wood boards 16, 26. One of ordinary skill would have been motivated to make such a modification to increase the abrasion resistance of all of the wood board 16, 26 faces.

### ***Response to Arguments***

Applicant asserts that the 35 U.S.C. sec. 102 rejections are improper because each and every element of the rejected claims is not disclosed in the single cited reference - Penland. The examiner disagrees because the applicant has not clearly pointed out or made known exactly what elements he is proposing are not provided for in the PENLAND reference.

As discussed above regarding the 102 rejections, Penland discloses all the claimed features.

Applicant also asserts that the 35 U.S.C. sec. 103 rejections are improper because the Examiner has failed to provide any objective teaching that would lead one of skill in the art to arrive at the claimed invention. Furthermore, applicant asserts that the cited references above or in combination thereof cannot render the claimed invention obvious. Examiner disagrees again because the applicant has not detailed why and how the examiner has not provided such an objective teaching.

The 35 U.S.C. sec. 103 rejections, as detailed above, are based on references that provide objective teachings and adequate motivation for combining references to yield the claimed invention.

In further arguments, Examiner suggests applicant explain his position. For example, regarding 102 rejections, applicant should identify those features he believes are not specifically disclosed in the cited reference. Regarding 103 rejections, applicant should explain why he believes the cited art does not teach the claimed invention, and/or why there is no motivation to combine the cited references to yield the claimed invention.

The applicant is again directed to 37 CFR 1.111 for clarity.

In reference to the applicant's argument that the 5/5/03 amendment was not considered, it was considered as being a "non-responsive" amendment in a communication from the Office dated 7/11/03. At any rate the amendment dated 5/03/03 has been considered in the above communication, and all rejections remain.

***Conclusion***

This is an R.C.E. of applicant's earlier Application No. 09/83j,078. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP j 706.07(b). Applicant is reminded of the extension of time policy as set fourth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action.

In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-ONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action.

In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

The prior ad made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-1909. The examiner can normally be reached on 6:30 am - 3:00 pm.

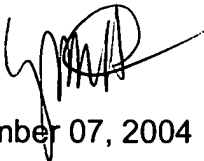
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (703) 308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YMH

September 07, 2004



Carl D. Friedman  
Supervisory Patent Examiner  
Group 3600